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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 JAMES LAMONT RICHARDSON,

15 Defendant.
16

Case No. 1:97-cr-05129 JLT-1

**STIPULATION TO CONTINUE STATUS
CONFERENCE; ORDER THEREON**

Date: March 4, 2024

Time: 9:00 a.m.

Judge: Hon. Jennifer L. Thurston

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18 **IT IS HEREBY STIPULATED** by and between the parties through their respective
19 counsel that the status conference scheduled for January 22, 2024 at 9:00 a.m. should be
20 continued to March 4, 2024 at 9:00 a.m.

21 Mr. Richardson's § 2255 motion is before this Court on remand from the Ninth Circuit
22 for further proceedings in light of *United States v. Taylor*, 142 S. Ct. 2015 (2022). The parties
23 are continuing to work diligently towards achieving a joint recommendation to the Court for
24 resolution of this matter, and continue to make substantial progress towards that objective. As
25 represented in its prior stipulation the parties expected to have a clear path forward as of January
26 22, 2024. Unfortunately, given events that have subsequently transpired, the parties respectfully
27 request one additional short continuance to best conserve limited judicial resources.

28 As noted in its previous stipulation the parties were waiting for a potential witness' state

1 court proceedings to resolve with the expectation of arranging a debrief shortly thereafter. The
2 potential witness' state court proceedings finally resolved in November. After they resolved,
3 however, the witness began refusing to communicate with his CJA attorney, Serita Rios. Ms.
4 Rios attempted with due diligence to communicate with the potential witness, however, she was
5 not successful. On December 18, 2023, Ms. Rios notified the Office of the Federal Defender that
6 her relationship with the witness appeared to be irreparable.

7 The parties have been working diligently on an alternative resolution. At this time, it
8 appears all that is needed is input from BOP counsel to confirm how a sentence imposed by this
9 Court will be executed given the complexities of the procedural posture. Once that information
10 is obtained defense counsel will need to arrange for an in-person meeting with Mr. Richardson.
11 Given the frequency of lockdowns at FCI Mendota, the scheduling of such attorney-client
12 interviews are somewhat unpredictable.

13 The parties believe that a status conference on March 4, 2024 builds in enough of a
14 cushion to address the aforementioned uncertainties, and the parties expect the way forward will
15 be clear as of that date. If the parties are able to proceed sooner, they will notify the Court so the
16 matter can be advanced.

17 Because additional information is needed as is time for defense counsel to explain said
18 information to Mr. Richardson, a short additional continuance in this case is in the interest of
19 justice and reflects the most judicious use of the Court's resources. Accordingly, the parties
20 respectfully request that this Court continue the status conference to March 4, 2024.

21
22 PHILLIP A. TALBERT
United States Attorney

23
24 DATED: January 18, 2024

25 By /s/ Jeffrey Spivak
JEFFREY SPIVAK
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

DATED: January 18, 2024

By /s/ Peggy Sasso
PEGGY SASSO
Assistant Federal Defender
Attorney for Defendant
JAMES LAMONT RICHARDSON

ORDER

IT IS HEREBY ORDERED that the status conference scheduled for January 22, 2024 at 9:00 a.m. is continued to March 4, 2024 at 9:00 a.m. No further continuances will be granted.

IT IS SO ORDERED.

Dated: **January 18, 2024**


UNITED STATES DISTRICT JUDGE